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Attorneys for Defendants, **GMAC  
MORTGAGE, LLC, incorrectly sued as  
GMAC MORTGAGE; DEUTSCHE BANK  
TRUST COMPANY AMERICAS;  
RESIDENTIAL FUNDING COMPANY,  
LLC; and EXECUTIVE TRUSTEE  
SERVICES, LLC**

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

MARK TRAVIS WYMAN; and KRISTA  
MICHELLE WYMAN,

Plaintiffs,

vs.

FIRST MAGNUS FINANCIAL CORPORATION;  
GMAC MORTGAGE; DEUTSCHE BANK  
TRUST COMPANY AMERICAS; RESIDENTIAL  
FUNDING COMPANY, LLC; EXECUTIVE  
TRUSTEE SERVICES, LLC; FANNIE  
MAE/FREDDIE MAC; CEREBRUS CAPITAL  
MANAGEMENT; LSI TITLE CO., INC.;  
DEPARTMENT OF TREASURY a/k/a  
INTERNATIONAL MONETARY FUND,

Defendants.

Case No. 3:12-cv-00007-ECR-WGC

**STATEMENT UPON REMOVAL**

**STATEMENT UPON REMOVAL**

Defendants, GMAC MORTGAGE, LLC (“GMACM”), incorrectly sued as GMAC  
MORTGAGE; DEUTSCHE BANK TRUST COMPANY AMERICAS (“DEUTSCHE”);  
RESIDENTIAL FUNDING COMPANY, LLC (“RFC”); and EXECUTIVE TRUSTEE SERVICES,  
LLC (“ETS”) (collectively “moving Defendants”), by and through their attorneys, Wolfe & Wyman



LLP, hereby submit the following Statement Concerning Removal:

1. The date(s) on which you were served with a copy of the Complaint in the removed action.

**ANSWER:**

GMAC, DEUTSCHE, RFC and ETS were sent a copy of the Complaint via certified mail on December 21, 2011. Defendants waive any claim to improper service.

2. The date(s) on which you were served with a copy of the Summons.

**ANSWER:**

GMACM, DEUTSCHE, RFC and ETS were sent a copy of the Summons via certified mail on December 21, 2011. Defendants waive any claim to improper service.

3. In removals based on diversity jurisdiction, the names of any served Defendants who are citizens of Nevada, the citizenship of the other parties and a summary of Defendant's evidence of the amount in controversy.

**ANSWER:**

Upon information and belief, no properly named Defendants are citizens of the State of Nevada.

a) Upon information and belief, Plaintiffs are residents of the State of Nevada.

b) GMACM is a Delaware limited liability company.

c) DEUTSCHE is a New York corporation with its principle place of business in New York.

d) RFC is a Delaware limited liability company.

e) ETS is a Delaware limited liability company.

f) Upon information and belief CEREBRUS CAPITAL MANAGEMENT is a New York limited partnership with its principle place of business in New York.

g) Upon information and belief LSI TITLE CO., INC. is a California corporation with its principal place of business in California.

h) FANNIE MAE/FREDDIE MAC is a Washington D.C. corporation with its principle place of business in Washington, D.C.



Pursuant to 28 U.S.C. §1332(a), there is a sufficient amount in controversy as the amount in controversy is satisfied, because the amount of the lien at issue is a Deed of Trust recorded September 11, 2006 securing an indebtedness of \$1,000,000.00.

4. If your Notice of Removal was filed more than thirty (30) days after you first received a copy of the Summons and Complaint, the reason removal is taken at this time and the date you first received a paper identifying the basis for removal.

**ANSWER:**

Not applicable.

5. On actions removed on the basis of this Court's jurisdiction in which the action in state court was commenced more than one year before the date of removal, the reasons this action should not be summarily remanded to state court.

**ANSWER:**

Not applicable.

6. The name(s) of any Defendant(s) known to have been served before you filed the Notice of Removal who did not formally join in the Notice of Removal and the reasons they did not.

**ANSWER:**

None are known to have been served before the Notice of Removal.

DATED: February 10<sup>th</sup>, 2012

WOLFE & WYMAN LLP

By: \_\_\_\_\_

SARAH A. GASKILL, ESQ.

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Attorneys for Defendants,

**GMAC MORTGAGE, LLC, incorrectly sued as**

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**and EXECUTIVE TRUSTEE SERVICES, LLC**



**CERTIFICATE OF SERVICE**

On February 16 2012 I served the **STATEMENT UPON REMOVAL** by the following means to the persons as listed below:

\_\_\_ a. EFC System (you must attach the "Notice of Electronic Filing", or list all persons and addresses and attach additional paper if necessary):

X b. United States Mail, postage fully pre-paid (List persons and addresses. Attach additional paper if necessary):

Mark Travis Wyman  
196 Taylor Creek Road  
Gardnerville, NV 89460

Krista Michelle Wyman  
196 Taylor Creek Road  
Gardnerville, NV 89460

*Plaintiffs in Proper Person*

By: 

MARY GRACE MORLA

An employee of Wolfe & Wyman LLP